

**Amendments to the Drawings:**

The attached sheets of drawings include changes to original Figures 6a, 6b, 7a, and 7b, now renumbered as Figures 6-9. These sheets, which include renumbered Figures 6-9, replace the original sheets including Figures 6a, 6b, 7a, and 7b. Figure 5 has not been amended.

Attachment: 2 Replacement Sheets

### REMARKS/ARGUMENTS

This is a Response to the Office Action mailed October 24, 2006, in which a three (3) month Shortened Statutory Period for Response was set and which expired January 24, 2007. Attached is an electronic fee transmittal with the requisite fee to cover the fee for a one-month extension of time, to February 24, 2007. Five (5) claims, including two (2) independent claims, were paid for in the application. Claims 1-2 and 4-5 are currently amended. Claim 3 is canceled without prejudice, waiver or disclaimer. New claims 6-15 have been added. No new matter has been added to the application. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Upon entry of the amendments herewith, claims 1-2 and 4-15 remain pending.

#### 1. Allowable Subject Matter

Applicant thanks the Examiner for indicating the allowable subject matter of claim 3. Applicant has amended independent claim 2 to include all of the limitations of claim 3. Accordingly, Applicant has accepted the allowed claim 3 by amending independent claim 2 and by canceling claim 3 in a sincere effort to place the case in condition for immediate allowance.

#### 2. Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as his invention because, regarding claims 1 and 2, “the phrase ‘such as’ (line 2) renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.” In response, Applicant has amended claims 1 and 2 to remove the phrase “such as” and respectfully requests withdrawal of the rejection.

#### 3. Objections to the Drawings and the Specification

In the Office Action, at page 2, the Office Action objects to the drawings because “FIG. 6a and Fig. 6b are not partial views intended to form one complete view. Similarly, Fig.

7a and Fig. 7b are not partial views intended to form one complete view. The examiner suggests renumbering 'Fig. 6a,' as 'Fig. 6'; 'Fig. 6b' as 'Fig. 7'; 'Fig. 7a' as 'Fig. 8'; and 'Fig. 7b' as 'Fig. 9.' ” Further, the Drawings are objected to because “the reference character ‘11’ does not appear in the specification ...” and because “the reference character ‘21’ is not in the drawings ... .” The Office Action, at page 3, objects to the Specification because on page 7, line 7, use of the term “wind” appears to be a word processing error.

The Drawings and Specification are amended herein as suggested by the Examiner. More specifically, the Specification is amended to identify the ground 11 and the term “wind” is replaced with “winch” as suggested. The Drawings are amended to identify at least one location of reference numeral 21. Applicant thanks the Examiner for his suggested amendments.

Reference numerals 16-19 have been added to Figure 7 (formerly Figure 6b) to identify one exemplary arrangement of the switching devices 16, power modules 17, transformer 18, and container space 19. Further, the Specification is amended to add the above-described reference numerals. Merely adding a reference numeral to identify an originally-described element and/or an originally-illustrated element does not constitute new matter.

In view of the amendments made to the Drawings and the Specification, Applicant respectfully requests withdrawal of the objections to the Drawings and the Specification.

#### 4. Rejections Under 35 U.S.C. § 102(e)

In the Office Action, at page 4, claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Pas* (U.S. Patent Application Publication No. 2006/0137348), hereinafter *Pas*. For a proper rejection of a claim under 35 U.S.C. § 102, the cited reference must disclose all elements and/or features of the claim. See, *e.g.*, *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

a. Claims 1 and 5

Independent claim 1, as amended, is allowable for at least the reason that *Pas* does not disclose, teach, or suggest at least the feature of “a container operable to form a foundation of the wind power installation and having a top side, a bottom side, and a receiving means arranged on the top side operable to receive a lower part of the pylon so that the pylon is arrested on the bottom of the container, wherein the container is further operable to contain the rotor, the generator, the machine casing, and the pylon during the transport to a building site,” as recited in claim 1.

*Pas* fails to disclose a container forming a foundation. Foundations are understood by one skilled in the arts to be unmovable and fixed in the ground, as contrasted with the *Pas* mobile system. *Pas* discloses that “the transportable housing is a container” (paragraph 0014). “To obtain a transportable housing that is easy to manhandle and, on the other hand, a housing that is stable in the position ready for use, it is preferable according to the invention if the housing has a block-shaped base frame and if extendable supports are provided on opposite sides, in particular opposite longitudinal sides, of the housing. The extendable supports, which can also be provided with jacks to enable level support on the ground, ensure that the housing cannot be blown over as a result of the wind turbine on top of it” (paragraph 0015). The *Pas* housing clearly is not the same as the recited container forming a foundation.. Thus, *Pas* does not anticipate claim 1 and the rejection should be withdrawn.

Because independent claim 1 is allowable over the cited art of record, dependent claim 5 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim 5 contains all features/elements of independent claim 1. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to claim 5 should be withdrawn.

b. Claims 2-4

Independent claim 2, as amended, is allowable because claim 2 now contains all the limitations of allowable claim 3. Claim 3 is canceled without prejudice, waiver, or disclaimer. Because independent claim 2, as amended, is allowable over the cited art of record,

dependent claim 4 (which depends from independent claim 2) is allowable as a matter of law for at least the reason that the dependent claim 4 contains all features/elements of independent claim 2. Accordingly, the rejection to claims 2 and 4 should be withdrawn.

5. New Claims 6-15

New claims 6-15 are based on subject matter that is explicit and/or inherent within the description of the Specification and/or the Drawings. Applicant submits that no new matter has been added in the new claims 6-15 and that new claims 6-15 are allowable over the cited prior art. Therefore, Applicant requests the Examiner to enter and allow the above new claims.

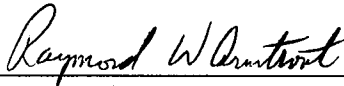
6. Conclusion

In light of the above amendments and remarks, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims 1-2 and 4-15 are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact Mr. Armentrout by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner

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notes any informalities in the claims, he is further encouraged to contact Mr. Armentrout by telephone to expediently correct such informalities.

Respectfully submitted,  
SEED Intellectual Property Law Group PLLC

  
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Enclosures:  
2 Sheets of Replacement Drawings (Figures. 5-9)

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